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| APPLICATION NO.                                                                          | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO.    | CONFIRMATION NO. |
|------------------------------------------------------------------------------------------|-------------|----------------------|------------------------|------------------|
| 09/749,639                                                                               | 12/28/2000  | Surendra Goel        | 06975-076001/Search 01 | 4918             |
| 26171                                                                                    | 7590        | 01/06/2005           | EXAMINER               |                  |
| FISH & RICHARDSON P.C.<br>1425 K STREET, N.W.<br>11TH FLOOR<br>WASHINGTON, DC 20005-3500 |             |                      |                        | NGUYEN, CINDY    |
| ART UNIT                                                                                 |             | PAPER NUMBER         |                        |                  |
|                                                                                          |             | 2161                 |                        |                  |

DATE MAILED: 01/06/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

|                              |                 |              |
|------------------------------|-----------------|--------------|
| <b>Office Action Summary</b> | Application No. | Applicant(s) |
|                              | 09/749,639      | GOEL ET AL.  |
| Examiner                     | Art Unit        |              |
| Cindy Nguyen                 | 2171            |              |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 23 August 2004.
- 2a) This action is FINAL.                  2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-38 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) 14-20 and 25-36 is/are allowed.
- 6) Claim(s) 1,2,4-13,21-23,37 and 38 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 28 December 2000 is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) The proposed drawing correction filed on \_\_\_\_\_ is: a) approved b) disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12) The oath or declaration is objected to by the Examiner.

#### Priority under 35 U.S.C. §§ 119 and 120

- 13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All b) Some \* c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).  
a) The translation of the foreign language provisional application has been received.
- 15) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

#### Attachment(s)

- |                                                                                                                     |                                                                             |
|---------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                         | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____  |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) <u>12/03/04</u> . | 6) <input type="checkbox"/> Other: _____                                    |

## DETAILED ACTION

This is in response to request for amendments filed 08/23/04.

### **1. Response to Arguments**

Applicant's arguments have been considered but are moot in view of the new ground(s) of rejection.

### **2. Claim Rejections - 35 USC § 103**

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

### **3. Claims 1, 2, 4-13, 21, 37 and 38 are rejected under 35 U.S.C. 103(a) as being obvious over Wu (U.S 5991756) in view of Bailey et al. (US 6785671) (Bailey).**

Regarding claims 1 and 21, Wu discloses: A method and a computer program for performing a category search to identify categories of items that relate to a search term, the method comprising:

receiving at least one search term, wherein the search term includes at least one search term word (col. 6, lines 51-62, Wu);

comparing the search term with a hierarchy of category identifiers to determine whether matches exist, wherein comparing the search term with the hierarchy of category identifiers includes comparing the search term word with one or more words in the hierarchy of category identifiers (col. 6, lines 63 to col. 7, lines 23, Wu);

identifying at least one matching category identifier based on the matches that are determined to exist between the search term word and the words of the hierarchy of category identifiers (col. 6, lines 63 to col. 7, lines 23, Wu);

comparing the search term word with terms related to one or more categories to determine whether matches exist (col. 6, lines 63 to col. 7, lines 23, Wu), wherein the terms related to one or more categories include a name and a description of a web site corresponding to category (col. 5, lines 46-62, Wu);

identifying at least one matching category identifier based on the matches that are determined to exist between the search term word and the terms related to one or more categories (col. 7, lines 42 to col. 8, lines 5, Wu);

However, Wu didn't discloses: displaying the matching category identifier and where more than one matching category identifier is identified and displayed, presenting the category identifiers with an indication of relative rank determined based on a number of the matches that are determined to exist and at least one of locations and types of the matches for each respective matching category identifier. On the other hand, Bailey discloses: displaying the matching category identifier and where more than one matching category identifier is identified and displayed, presenting the category identifiers with an indication of relative rank determined based on a number of the matches that are determined to exist and at least one of locations and types of the matches for each respective matching category identifier (fig. 3 and 4 and corresponding text, Bailey). Thus, at the time invention was made, it would have been obvious to a person of ordinary skill in the art to include displaying the matching

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category identifier and where more than one matching category identifier is identified and displayed, presenting the category identifiers with an indication of relative rank determined based on a number of the matches that are determined to exist and at least one of locations and types of the matches for each respective matching category identifier in the system of Wu as taught by Bailey. The motivation being to provide the user receive the search results in a display the categories in order that depends upon the scores from highest to lowest significance (col. 2, lines 45-59, Bailey).

Regarding claim 2, all the limitations of this claim have been noted in the rejection of claim 1. In addition, Wu/Bailey discloses: receiving at least one search term comprises:

receiving several search terms (col. 3, lines 24-44, Wu), and grouping the search terms received as a single string (col. 6, lines 51-62, Wu);

comparing the search term with the hierarchy of category identifiers comprises comparing the single string of search terms with the hierarchy of category identifiers to determine whether matches exist (col. 6, lines 51 to col. 7, lines 36, Wu); and

comparing the search term with the terms related to one or more categories

comprises comparing the single string of search terms with the terms related to one or more categories to determine whether matches exist (col. 6, lines 51 to col. 7, lines 5, Wu).

Regarding claim 4, all the limitations of this claim have been noted in the rejection of claim 1. In addition, Wu discloses: wherein the hierarchy of category identifiers comprises an ordered list of category names arranged in order from broad categories to narrow categories with the narrowest category being a final category name (col. 5, lines 46-62 and col. 6, lines 31-50, Wu).

Regarding claim 5, all the limitations of this claim have been noted in the rejection of claim 1. In addition, Wu/Bailey discloses: wherein displaying at least a category identifier includes communicating at least a category identifier based on the matches that are determined to exist with the hierarchy and the terms (fig. 2 and corresponding text, Wu).

Regarding claim 6, all the limitations of this claim have been noted in the rejection of claim 1. In addition, Wu/Bailey discloses: wherein displaying at least a category identifier includes displaying several category identifiers, the method further comprising ranking the category identifiers based on a number of the matches that are determined to exist and at least one of locations and types of the matches (col. 5, lines 46-62 and fig. 5, Wu).

Regarding claim 7, all the limitations of this claim have been noted in the rejection of claim 6. In addition, Wu/Bailey discloses: wherein ranking the category identifiers based on the location of the matches includes ranking the category identifiers

based on the relative location of the matches within the hierarchy of category identifiers (col. 4, lines 40 col. 5, lines 6, Wu).

Regarding claim 8, all the limitations of this claim have been noted in the rejection of claim 6. In addition, Wu/Bailey discloses: wherein the ranking the category identifiers based on the types of the matches includes ranking the category identifiers based on whether the matches occur with at least one of the terms related to one or more categories or with the hierarchy of category identifiers (col. 6, lines 31-62, Wu).

Regarding claims 9 and 11, all the limitations of these claims have been noted in the rejection of claims 8 and 6 above, respectively. In addition, Wu/Bailey discloses: wherein category identifiers that include matches that occur with both the hierarchy of category identifiers and the terms related to one or more categories are ranked higher than category identifiers that include matches that occur with only one of the hierarchy of category identifiers and the terms related to one or more categories (col. 6, lines 31-50, Wu).

Regarding claim 10, all the limitations of this claim have been noted in the rejection of claim 6. In addition, Wu/Bailey discloses: wherein category identifiers that include matches that occur with more than one type are ranked higher than category identifiers that include matches that occur within only one of the types (col. 6, lines 31-50, Wu).

Regarding claim 12, all the limitations of this claim have been noted in the rejection of claim 6. In addition, Wu/Bailey disclose: wherein the hierarchy of category identifiers comprises an ordered list of category names arranged in order from broad

categories to narrow categories with the narrowest category being a final category name such that category identifiers that include matches that occur with the final category name of the hierarchy of category names are ranked higher than category names that include matches that occur at a location other than the final category name (col. 5, lines 46-62 and col. 6, lines 31-50, Wu).

Regarding claim 13, all the limitations of this claim have been noted in the rejection of claim 1. In addition, Wu/Bailey discloses: wherein the items comprise web sites (col. 3, lines 46-62, and fig. 5, Wu).

Regarding claims 37 and 38, all the limitations of these claims have been noted in the rejection of claims 1 and 21 above, respectively. In addition, Wu/Bailey discloses: wherein presenting the matching category identifiers with the indication of relative rank includes presenting the matching category identifiers in a visually sorted order (fig. 4 and corresponding text, Bailey).

**4. Claims 22 and 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wu (U.S 5991756) ) in view of Bailey et al. (US 6785671) (Bailey) and further in view of Snow et al. (U.S 6055540) (Snow).**

Regarding claim 22, all the limitations of this claim have been noted in the rejection of claim 21 above. However, Wu/Bailey didn't disclose: wherein the computer readable medium comprises a propagated signal. On the other hand, Snow discloses: wherein the computer readable medium comprises a propagated signal (col. 13, lines 56-57, Snow). Thus, at the time invention was made, it would have been obvious to a

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person of ordinary skill in the art to include a propagated signal in the combination system of Wu/Bailey as taught by Snow. The motivation being to enable the user to know the length of time to send and receive the electronic information in the network system.

Regarding claim 23, all the limitations of this claim have been noted in the rejection of claim 22 above. In addition, Wu/Bailey/Snow disclose: wherein the propagated signal comprises a carrier wave (col. 13, lines 56-57, Snow).

**5. Allowable Subject Matter**

Claims 14-20 and 25-36 are allowed.

The following is a statement of reasons for the indication of allowable subject matter: The prior art of record and that encountered while searching for the claimed invention fails to anticipate and/or suggest: a method and a computer program for performing a search to identify items and categories of items that relate to search term, comprising: the matches between the search term and the list of previously received search terms are displayed as a list of related search terms that were entered for previously performed searches as recited in claims 14 and 25.

Regarding claims 15-20 and 26-36, these claims depend from claims 14 and 25 above respectively and are therefore allowable.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably

accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

**6. Conclusion**

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

**7. Contact Information**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Cindy Nguyen whose telephone number is 571-272-4025. The examiner can normally be reached on M-F: 8:00-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Safet Metjahic can be reached on 571-272-4023. The fax phone numbers for the

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organization where this application or proceeding is assigned are 703-746-7239 for regular communications and 703-746-7240 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.

Cindy Nguyen  
December 21, 2004

*Frantz Coby*  
**FRANTZ COBY**  
**PRIMARY EXAMINER**